

POLICY BULLETIN CHILD NUTRITION PROGRAMS

NSLP 05-08

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SUBJECT: Exemptions Under the Competitive Food Service Regulation

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This is to inform you of recent changes to the list of exemptions under the Competitive Food Services Regulation. Twenty-nine new products have been added to the list of exemptions under the Competitive Food Services Regulation and seven previously exempted products have been reformulated.

Au'some Snack Naturally Inc., has added Florida's Natural Brand Au'some Fruit Juice Sticks, orange, strawberry and blueberry to the list of products exempted from the jellies and gums category of "foods of minimal nutritional value" as defined in 7 CFR Part 210.11(a)(2) and Part 220.2 (i-1).

Apple & Eve LLC has added Fizz Ed pure fruit juice and sparkling water beverages in Green Apple, Red Raspberry, Orange Mango and Pomegranate; The Switch Beverage Company has added Grape, Black Cherry, Kiwi Berry and Fruit Punch beverages; Ardea Beverage Company has added Airforce Nutrisoda Immune (tangerine + lime); 4U2U Brands has added Fruit 66 carbonated juice beverages in Fruit Punch and Kiwi Strawberry Blast; BIOFREE-USA has added FIZZA™ lightly carbonated Dairy Nutrient Beverages in Orange, Apple, and Cola; Berkeley Street Beverage Company has added Juicy Jax™ 100% Sparkling Juice Blend 5:1 concentrate fountain beverages (Bag in Box) in Strawberry, Cherry, Passionfruit, Orange Guava, Watermelon, Mango and Lemon-lime flavors; The Healthy Beverage Company has added green tea carbonated beverages in Lemon Dew, Grape, Orange, Root Beer, and Raspberry, to the list of products exempted from the "soda water" category of "foods of minimal nutritional value" [7 CFR Part 210 Appendix B (a)(1) and Part 220 Appendix B (1)].

General Mills has reformulated Betty Crocker® Special Edition Fruit Gushers® in Watermelon Blast® flavor and Betty Crocker® Special Edition Fruit by the Foot in Berry Tie-Dye®, Color by the Foot® Triple Punch and Strawberry, Special Edition Fruit Flavored Snacks - Sunkist® and Scooby Doo!™, and Betty Crocker® Special Edition Strawberry Fruit Roll-Ups®.

The exemption of the products listed above means that they are no longer considered foods of minimal nutritional value and can therefore be sold during the meal period in a school food service area. This does not mean that these products are approved or endorsed by the Food and Nutrition Service. Nor does an exemption indicate that these products have significant nutritional value. In addition, the exemptions should not be

perceived as guidance or encouragement to State agencies and school food authorities concerning their possible purchase.

As always, please be aware that several companies with exempted foods produce similar products that are not exempted and are therefore still considered foods of minimal nutritional value. The exemption of one product does not mean that similar products or a family of products are exempted unless specifically stated in an exemption letter and included on the exemption list.

The ingredient statement of each exempted food is included in the attached exemption list. This should allow schools to differentiate between exempted products and similar non-exempted products.